

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SCOTT FREEMAN, M.D.,

Plaintiff,

v.

STEPHEN HURST, *et al.*,

Defendants.

Case No. 22-cv-1433-RFB-VCF

ORDER

I. INTRODUCTION

Before the Court is Defendant Ceruvia Lifesciences and Carey Turnbull's Motion to Dismiss (ECF No. 61); Defendant Stephen Hurst's Motion to Dismiss (ECF No. 65); Defendant Nico Forte's Motion to Dismiss (ECF No. 67); Defendant Savant HWP, Inc.'s Motion to Dismiss (ECF No. 69); and Defendants BPM LLP and Russell Burbank's Motion to Dismiss (ECF No. 71). In addition, before the Court is a Motion to Change Venue or Transfer (ECF No. 63); two Motions to Seal Documents (ECF Nos. 64, 95); and a Motion for Leave to File Excess Pages (ECF No. 96).

The Court held a hearing on the outstanding motions and issued an oral ruling on the motions. This order simply codifies the Court's oral ruling.

II. PROCEDURAL BACKGROUND

On October 21, 2022, Plaintiff filed the operative, amended Complaint in this case. [ECF Nos. 40 (Redacted) 41 (Sealed)] On December 14, 2022, this Court consolidated multiple cases to the current case. On December 22, 2022, Defendants Ceruvia Lifesciences and Carey Turnbull filed a Motion to Dismiss the Amended Complaint. [ECF Nos. 61 (Redacted) 62 (Sealed)] On December 23, 2022, Defendant Stephen Hurst filed a Motion to Dismiss. [ECF Nos. 65 (Redacted) 66 (Sealed)] On December 23, 2022, Defendant Nico Forte filed a Motion to Dismiss. [ECF Nos.

67 (Redacted) 68 (Sealed)] On December 23, 2022, Defendant Savant HWP, Inc. filed a Motion to Dismiss. [ECF Nos. 69 (Redacted) 70 (Sealed)] On February 15, 2023, Plaintiff filed a Response to the Motion to Dismiss by Ceruvia Lifesciences and Carey Turnbull. [ECF Nos. 85 (Redacted) 86 (Sealed)] On February 15, 2023, Plaintiff filed a Response to the Motion to Dismiss by Savant. [ECF Nos. 87 (Redacted) 88 (Sealed)] On February 15, 2023, Plaintiff filed a Response to the Motion to Dismiss by Stephen Hurst. [ECF Nos. 89 (Redacted) 90 (Sealed)] On February 15, 2023, Plaintiff filed a Response to the Motion to Dismiss by Burbank. [ECF Nos. 91 (Redacted) 92 (Sealed)] On February 15, 2023, Plaintiff filed a Response to the Motion to Dismiss by Nico Forte [ECF Nos. 93 (Redacted) 94 (Sealed)]

On September 22, 2023, a motion hearing was held during which the Court made oral rulings on the record.

III. CONCLUSION

For the reasons stated on the record at the hearing:

IT IS ORDERED that [61] Motion to Dismiss by Defendant Ceruvia Lifesciences and Carey Turnbull is **GRANTED** in part and **DENIED** in part. Claims 1 and 2 of the Complaint as applied to Defendant Turnbull are dismissed without prejudice. Claims 8 and 17 of the Complaint as applied to Defendant Turnbull are dismissed without prejudice. Plaintiff is granted leave to file an amended complaint by **November 6, 2023**. Defendant Turnbull will have until **November 27, 2023**, to file a motion to dismiss on the amended Claims 8 and 17.

IT IS FURTHER ORDERED that [65] Motion to Dismiss by Defendant Stephen Hurst is **GRANTED** in part and **DENIED** in part. Claims 1 and 2 of the Complaint as applied to Defendant Hurst are dismissed without prejudice. Claims 2, 3, 4, and 5 of the Complaint as applied to Defendant Hurst are dismissed without prejudice. Claims 11 and 15 of the Complaint as applied to Defendant Hurst are denied without prejudice. Plaintiff is granted leave to file an amended complaint by **November 6, 2023**. Defendant Hurst will have until **November 27, 2023**, to file a motion to dismiss on these amended claims. Defendant Hurst is also granted leave to file a partial motion for summary judgment on the statute of limitations defense and the release agreement defense.

IT IS FURTHER ORDERED that [67] Motion Dismiss by Defendant Nico Forte is **DENIED**.

1 **IT IS FURTHER ORDERED** that [69] Motion to Dismiss by Defendant Savant HWP,
2 Inc. is **DENIED**.

3 **IT IS FURTHER ORDER** that [71] Motion to Dismiss by Defendants BPM LLP, Russell
4 Burbank is **GRANTED** in part and **DENIED** in part. Claims 1 and 2 of the Complaint as applied
5 to Defendant Burbank are dismissed without prejudice. Claims 8 and 17 of the Complaint as
6 applied to Defendant Burbank are dismissed without prejudice. Claim 9 of the Complaint as
7 applied to Defendant Burbank is dismissed without prejudice. Plaintiff is granted leave to file an
8 amended complaint by **November 6, 2023**. Defendant Burbank will have until **November 27,**
9 **2023**, to file a motion to dismiss on all amended claims.

10 **IT IS FURTHER ORDERED** that [63] Motion to Change Venue or Transfer by
11 Defendants Stephen Hurst, Nico Forte, and Savant HWP, Inc. is **DENIED** without prejudice. All
12 parties are free to raise the issue if a need arises for proceedings to move to the unofficial
13 northern division.

14 **IT IS FURTHER ORDERED** that [64] Motion to Seal Documents by Defendants Nico
15 Forte, Stephen Hurst and [95] Motion to Seal Documents by Plaintiff Scott Freeman are **DENIED**.
16 The referenced documents are ordered to be unsealed.

17 **IT IS FURTHER ORDERED** that [96] Motion for Leave to File Excess Pages by Plaintiff
18 Scott Freeman is **DENIED** as moot.

19 **IT IS FURTHER ORDERED** that the parties are ordered to meet and confer; and submit
20 a discovery plan by **October 10, 2023**.

21 **DATED:** September 30, 2023



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23 **RICHARD F. BOULWARE, II**
24 **UNITED STATES DISTRICT JUDGE**
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